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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 MICHAEL ROBERT PERSON,)
10)

11 Petitioner,)

3:10-cv-00480-ECR-RAM

12 vs.)

ORDER

13 DWIGHT NEVEN, *et al.*,)

14 Respondents.)
/

15 This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a
16 Nevada state prisoner. Petitioner is represented by counsel, Richard Cornell, Esq.

17 By order filed July 21, 2011, this Court granted in part and denied in part respondents'
18 motion to dismiss the petition. (ECF No. 24). Specifically, the Court found that Grounds One and
19 Two of the petition are unexhausted. (*Id.*). The Court further found that two sub-claims of Ground
20 Three are exhausted, but the remainder of Ground Three is unexhausted. (*Id.*). The Court directed
21 petitioner to inform the Court, within 30 days, whether he wishes to abandon the unexhausted
22 claims, or whether he wishes to seek a stay and abeyance in order to return to state court to exhaust
23 the unexhausted claims. (*Id.*).
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1 On July 26, 2011, petitioner submitted a letter and a request for judicial notice to this Court.
2 (ECF Nos. 25 & 26). Both documents were submitted by petitioner *pro se*, rather than through his
3 counsel of record. (*Id.*).

4 On July 27, 2011, respondents filed a motion to strike petitioner's filings on the basis that,
5 because petitioner is represented by counsel, he may not file documents in *pro se*. (ECF No. 27).
6 Respondents are correct. Pursuant to Local Rule 1A, 10-6, a party who is represented by counsel
7 cannot appear or act in the case, but must proceed through counsel. As such, striking petitioner's *pro*
8 *se* documents is appropriate.

9 **IT IS THEREFORE ORDERED** that respondents' motion to strike (ECF No. 27)
10 petitioner's *pro se* documents is **GRANTED**.

11 **IT IS FURTHER ORDERED** that petitioner's *pro se* letter and request for judicial notice at
12 ECF Nos. 25 & 26 are **HEREBY STRICKEN**.

13 **IT IS FURTHER ORDERED** that petitioner **SHALL** proceed through his counsel of record
14 and shall file no further *pro se* documents. **The Clerk of Court SHALL RETURN, UNFILED,**
15 **any further *pro se* documents submitted by petitioner.**

16 Dated this 1st day of August, 2011.

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18 UNITED STATES DISTRICT JUDGE
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